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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Colombia

1. The Committee considered the eighth and ninth periodic reports of Colombia (CERD/C/332/Add.1) at its 1356th and 1357th meetings (see CERD/C/SR.1356 and 1357), on 17 and 18 August 1999, and adopted, at its 1362nd meeting (see CERD/C/SR.1362), on 20 August 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the extensive report submitted by the Government of Colombia, including information concerning Colombia's large indigenous and Afro-Colombian communities. The Committee also welcomes the information provided by the State party delegation during the oral consideration of the report, including information with respect to Colombia's Roma, Jewish and Lebanese communities.

B. Positive aspects

3. The Committee welcomes in particular the candor with which the State party report recognizes that Afro-Colombian and indigenous communities continue to be the victims of systemic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence.

4. The Committee notes with satisfaction that the 1991 Colombian Constitution includes non-discrimination provisions addressing the rights of minority communities, including formal recognition of the rights of indigenous and Afro-Colombian communities to claim title to certain ancestral lands. The Constitution also recognizes and seeks to protect the cultural and ethnic diversity of the nation.

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5. The Committee welcomes the initiatives taken by the Government of Colombia, including multi-year development programmes for the support of indigenous and Afro-Colombian communities and the establishment of a new inter-agency human rights commission under the authority of the Vice-President of Colombia to coordinate the State party's policy and plan of action on human rights and international humanitarian law.

6. The Committee notes the important decision on affirmative action by the Constitutional Court in the Cismarón case.

7. The Committee welcomes the announcement by the State party representatives that a number of measures have been undertaken to promote respect for human rights within the military structure and to restrict the competence of military tribunals to hear human rights cases involving the armed forces.

C. Principal subjects of concern

8. While noting that the constitutional framework for prohibiting racial discrimination is firmly in place, the Committee nevertheless expresses concern that the accompanying legislative framework to give effect to these provisions has not been fully enacted.

9. The Committee expresses concern once again that the State party has not adopted legislation in conformity with article 4 of the Convention, which requires the enactment of specific penal legislation.

10. Concern is expressed at reports indicating that violence in Colombia has been largely concentrated in areas where indigenous and Afro-Colombian communities live; that increasingly these communities have been targeted by armed groups; and that the Government's tactics in fighting the drug trade have led to a further militarization of these regions, creating an atmosphere that is conducive to human rights violations and the destruction of cultural autonomy and identity.

11. Taking note also of indications that a climate of impunity has infected all levels of the judicial sector and that few human rights cases have been successfully prosecuted within civilian courts, the Committee expresses concern that this climate of impunity may severely impact the rights of indigenous and Afro-Colombian communities, as these minority communities are subjected disproportionately to violations of international human rights and humanitarian norms.

12. Serious concern is expressed at reports that more than 500 indigenous leaders have been assassinated in the last 25 years and that leaders of the Afro-Colombian community have come under similar attack. While all parties to the conflict have contributed to this level of violence, the Committee notes that paramilitary groups operating in the country are reportedly responsible for a majority of the abuses.

13. It is noted that indigenous and Afro-Colombian communities are under-represented in State institutions, including in the legislature, the judiciary, government ministries, the military, and the civil and diplomatic services.

14. Emphasizing that the widespread violence which plagues Colombia has led to one of the world's largest populations of internally displaced persons, and that both the Afro-Colombian and indigenous communities have been particularly affected, the Committee expressed concern that measures by the Colombian Government to assist the displaced have been limited and that some internally displaced persons have been forced to return to regions where minimal conditions of safety could not be guaranteed.

15. Recognizing further that within the community of displaced persons

women are disproportionately represented, concern is expressed that government programmes are not responsive to the needs of many indigenous and Afro-Colombian women who are subjected to multiple forms of discrimination based on their gender and their race or ethnicity, and their displaced status.

16. Concern is expressed that development and resource exploration programmes on land subject to the property rights of indigenous and Afro-Colombian communities have been pursued without sufficient consultation with the representatives of these communities and without sufficient concern for the environmental and socio-economic impact of these activities.

17. Additional concern is expressed over the media's coverage of minority communities, including the continued popularity of television programmes that promote racial and ethnic stereotypes. The Committee notes that such stereotypes serve to reinforce the cycle of violence and marginalization that has already severely affected the rights of Colombia's historically disadvantaged communities.

18. Grave concern is also expressed at reports of "social cleansing" in urban centres involving the murder of Afro-Colombian prostitutes and street children, some of whom appear to have been targeted on the basis of their race.

19. Concern is expressed that development programmes for the support of indigenous and Afro-Colombian communities have not been and are not expected to be fully implemented owing to financial limitations.

20. The Committee is also concerned that few land titles have been allocated under legislative programmes recognizing the property rights of indigenous and Afro-Colombian communities and that bureaucratic obstacles appear to have complicated the process.

D. Suggestions and recommendations

21. It is recommended that legislation be enacted, at the earliest possible opportunity, that explicitly and comprehensively implements the obligations under articles 2 and 4 of the Convention.

22. Recognizing that many Afro-Colombians live in extreme poverty in urban slum areas, the Committee recommends that the State party take steps to address de facto racial segregation in urban centres. The Committee also requests additional information in the next periodic report on housing patterns in urban areas and on legislation that may address discrimination in the housing sector.

23. The Committee recommends that the State party implement affirmative and effective measures to ensure increased employment opportunities for minority and indigenous communities in both the public and private sectors and to advance the social, political, economic, and educational status of historically marginalized communities.

24. The Committee requests that the State party include in its next report information about the implementation and impact of the measures recently announced to promote respect for human rights within the military, in connection with the implementation of the Convention.

25. The Committee urges the State party to take comprehensive steps to protect the security and promote the well-being of Colombia's large internally displaced population, consisting mainly of persons of the indigenous and Afro-Colombian communities and, as a matter of extreme priority, to guarantee the security of indigenous and Afro-Colombian community leaders and human rights defenders across the country who have

sought to protect the rights of those communities.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 during the fourteenth meeting of States parties to the Convention.

27. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of the members of the Committee requested that the possibility of such a declaration be considered.

28. The Committee recommends that the State party's next periodic report be a comprehensive report in accordance with the reporting guidelines of the Committee and address the points raised in these concluding observations.